



U.S. DEPARTMENT of STATE

Niger

Country Reports on Human Rights Practices - [2003](#)

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Niger returned to democracy in 1999, following coups d'etat in 1996 and 1999, and continued efforts to consolidate a democratic system and a constitutional government. Tandja Mamadou was elected president in 1999 with 60 percent of the vote in an election that international observers called generally free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In 2000, Tandja appointed MNSD member Hama Amadou as Prime Minister. The judiciary continued to show signs of independence; however, family and business ties could influence lower court decisions, and there were reports that the executive branch had influenced the judicial process.

Security forces consist of the army, Republican Guard, gendarmerie (paramilitary police), and national police. The police and gendarmerie have primary responsibility for internal security. Civilian authorities generally maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country's population was approximately 11.2 million. The economy was market based and depended primarily on subsistence farming, herding, small trading, and informal markets. Approximately 15 percent of the economy was in the formal sector, primarily in light industry and government services. Approximately 63 percent of the population lived on less than a \$1 a day, and the country's per capita income was less than \$200 a year. Drought, deforestation, soil degradation, and exceedingly low literacy were problems. The economy remained severely depressed.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces forcibly dispersed a violent student protest and injured numerous demonstrators; however, unlike in the previous year, there were no reports that security forces killed, tortured, or beat persons. There were reports that security forces along the western border allowed Malian bandits to steal and abuse persons. Prison conditions remained poor and life-threatening, and prolonged, pretrial detention remained problems. The Government limited freedom of speech and the press. The Government closed the university after student protests and continued to ban several Islamist organizations that engaged in or threatened violence. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persisted, despite government efforts and a new law to criminalize the practice. There was societal discrimination against persons with disabilities and ethnic minorities; however, unlike in previous years, there were no reports of societal discrimination against religious minorities. Worker rights generally were respected; however, there were reports that a form of slavery or servitude was widespread. Child labor occurred. There were reports of trafficking in persons, including reports of child prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, in early January, police shot and killed one prisoner as he tried to escape (see Section 1.c.).

There were no developments in the February 2002 killing of a protester and the August 2002 death of two soldiers during a mutiny.

In January, three foreign tourists were killed when their vehicle struck a landmine near the border with Chad and Libya.

Ethnic violence resulted in deaths during the year (see Section 5.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and unlike in previous years, there were no reports that police tortured or beat persons.

During the year, the three gendarmes from Torodi charged with excessive use of force during an April 2002 interrogation were tried and convicted; 2 were sentenced to 1 year's imprisonment, and 1 was sentenced to 18 months' imprisonment.

Police used tear gas to disperse student protests on October 8; there were reports of several injuries (see Section 2.b.)

Conditions in all 35 of the country's prisons were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's Civil Prison, there were approximately 550 prisoners in a facility built for 350; more than 400 of these were awaiting trial at year's end. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition and health conditions were poor, and deaths occurred from AIDS, tuberculosis, and malaria. A new maximum security prison in Koutoukale was completed during the year; however, it did little to relieve prison overcrowding. In January, police shot and killed one convicted drug trafficker as he attempted to escape from a prison in Birni N'konni.

Corruption among prison staff was rampant. There were credible reports that prisoners could bribe officials to leave prison for the day and serve their sentences in the evenings. Prisoners also could claim illness and serve their sentences in the national hospital.

Prisoners were segregated by gender, and minors and adults were incarcerated separately; there was one juvenile detention center. Pretrial detainees were held with convicted prisoners.

Human rights observers, including the International Committee of the Red Cross (ICRC), were granted unrestricted access to prisons and detention centers and visited them during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police at times violated these provisions. Unlike in the previous year, there were no arbitrary arrests. The police force, which was under the direction of the Ministry of Interior, was ineffective, primarily because of inadequate resources. Basic supplies, such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges were scarce. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapon-handling skills. Corruption was widespread, and even crimes against local elites and foreigners were not investigated unless the victims bribed police. On December 31, the National Assembly adopted legislation granting police more decision-making authority and increasing compensation levels, in part to curb corruption.

If police failed to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period began. Poor communications hindered accurate identification of detainees and could result in prolonging the 48-hour detention period. A defendant has the right to a lawyer immediately upon detention, and bail is available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented the accused from taking full advantage of these rights.

Numerous journalists were arrested during the year (see Section 2.a.).

Police, acting under authority granted them by the Security Law, occasionally conducted sweeps to detain suspected criminals.

In January, 272 persons arrested following the August 2002 mutinies were charged with high treason; many also were charged with participation in rebellious acts, arson, murder, attempted murder, looting, damage to property, and assault and battery (see Section 3). In May, 52 of the 272 had been released; at year's end, court proceedings were pending for those who remained in custody.

The two students detained in 2001 who went on a hunger strike in 2002 were provisionally released during the year; however, the students were not allowed to leave the country while investigative proceedings continued.

There were serious backlogs in the judicial system. Despite legal limits to the pretrial confinement period of indicted persons, detention frequently lasted months or years; some persons have been waiting as long as 6 years to be charged.

The Constitution prohibits forced exile, and there were no reports of its use.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch sometimes has interfered with the judicial process. During the year, court proceedings occurred in the absence of defendants and their counsel, and reportedly were delayed against the soldiers detained in connection with the August 2002 mutiny. In civilian matters, there were credible reports that family and business ties influenced lower court decisions. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. Nevertheless, there continued to be evidence of increased judicial independence. In January, the Constitutional Court ruled against the Prime Minister in a case defending the legal composition of the High Council for Communications (CSC). In July, the Constitutional Court ruled against changes proposed by the Government to the Electoral Code. In 2002, the Constitutional Court noted that the Government did not have the right to remove the Sultan of Zinder from his position. The Sultan was released from prison during the year; however, he still faced fraud charges.

Defendants and prosecutors could appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviewed questions of fact and law, while the Supreme Court reviewed only the application of the law and constitutional questions. There also were customary courts.

Defendants had the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them. Widespread ignorance of the law prevented the accused from taking full advantage of these rights. There was only one defense attorney known to have a private practice outside the capital.

Traditional chiefs could act as mediators and counselors and had authority in customary law cases as well as status under national law where they were designated as auxiliaries to local officials. Chiefs collected local taxes and received stipends from the Government, but they had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, tried cases involving divorce or inheritance. They were headed by a legal practitioner with basic legal training who was advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts were not regulated by law, and defendants could appeal a verdict to the formal court system. Women did not have equal legal status with men in the traditional and customary courts and did not enjoy the same access to legal redress (see Section 5).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally requires that police conducting a search have a warrant, normally issued by a judge; however, police reportedly often conducted routine searches without warrants. Under the State Security Law, police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property.

Republican Guards, many of whom reportedly were former Tuareg rebels, allowed Malian bandits, who also reportedly were Tuareg, to steal food and livestock and to commit other crimes against citizens living near the border in the Tillaberi region. No action was taken against the Republican Guards during the year.

The five officers and one civilian whose homes were searched without warrant in 2002 remained in preventive detention at year's end on charges of high treason.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, on numerous occasions, the Government limited these rights in practice. During the year, the Government temporarily closed down five private radio stations, arrested the editors of two weekly newspapers, and arrested numerous journalists.

The Government published a French-language daily newspaper, *Le Sahel*, and its weekend edition. There were approximately 12 private French-language weekly or monthly newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions. Since literacy and personal incomes were both very low, radio was the most important medium of public communication. The Government-owned radio *La Voix du Sahel* transmits 14 hours per day, providing news and other programs in French and several local languages. There were several private radio stations, including Radio France International, Africa Number One, and Radio Bonferey; five were owned locally and feature popular news programs in local languages, including Djerma and Hausa. These private radio stations generally were less critical of the Government than were the private newspapers. Radio Bonferey presented religious (Islamic) broadcasts along with news coverage and talk shows on domestic issues. Radio Anfani and Radio et Musique presented news coverage that included a variety of points of view. The other private domestic radio stations were smaller and offered little domestic news programming. The Government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

Television was a far less important medium than radio. The Government-owned *Tele-Sahel* and *TAL-TV* broadcast programming in French and other major national languages. A private television station, *TV Tenere*, also broadcast local and foreign programming. The director of a private radio station operated a wireless cable television service for the capital, offering access to international channels.

Foreign journalists circulated and reported freely. Strict accreditation requirements were imposed on domestic and foreign journalists; however, there were no reports that any journalists had been denied accreditation. During the year, the CSC continued to allow domestic broadcasting services to rebroadcast programs of foreign origin, such as Voice of America (VOA), British Broadcasting Corporation (BBC), Deutsche Welle programs, and Radio France International (RFI). The news coverage of the state-owned media reflected government priorities. Presidential activities and conferences dealing with development issues always were reported. Analysis or investigative reporting on domestic topics was extremely rare.

The Government continued to use existing law to criminalize slander and libel and to prosecute, convict, and imprison critics. In February, the Government closed down the private radio station *Nomade FM*, in Agadez, after the station criticized the Government's program of reinsertion and reintegration for former Tuareg rebels. The station, which was accused of ethnic incitement, was allowed to reopen a few weeks later.

On July 17, the weekly newspaper *Le Republicain* published an article that accused the Government of awarding several contracts to its supporters without going through a competitive bidding process. The Government subsequently summoned the owner and editor of the newspaper, Maman Abou, on two occasions to appear in court for arraignment proceedings; Abou, who was out of the country, did not appear. On November 5, security forces arrested and detained Abou for defamation; he also was charged with theft for his use of a government document in the July article. On November 7, Abou, who was in jail, was fined and given a suspended 4-month sentence for the defamation charge in a court proceeding about which neither he nor his attorneys had been informed; no trial preceded the court proceeding. Abou's attorneys appealed the sentence on procedural grounds, arguing that Abou had been sentenced without trial and in absentia. The Government countered that Abou's failure to appear at the two arraignment proceedings in July nullified any claim that he was tried in absentia. The Minister of Justice added that the absence of the accused did not constitute grounds for halting prosecution proceedings. Despite the suspended sentence, Abou continued to be detained on the theft charge. On December 30, a hearing was held; however, Abou remained in prison at year's end.

In February, after serving 8 months in prison, the *Canard Libere* journalist charged in 2002 with two counts of libel

against the Minister of Agriculture and Prime Minister, was released.

In September, the CSC withdrew the temporary broadcasting licenses of 15 private radio stations; 4 of the stations had failed to submit supplemental documentation required for obtaining a permanent license, and the licenses of the other 11 stations, which had not yet started broadcasting, were issued improperly. By year's end, the CSC had issued permanent licenses to the 4 stations, which began broadcasting; the 11 other stations still had not received licenses.

On September 13, Ibrahim Souley, a journalist from L'Enqueteur, a weekly newspaper in Niamey, was arrested after publishing an article that alleged that government contracts were often based on ethnic kinship. On October 13, Souley was released from jail and sentenced to a 1-year suspended sentence for "inciting ethnic hatred"; Souley also was barred from entering Niamey for 3 months.

On October 9, Moussa Tchangari, the director of a private media group, was arrested and accused of inciting an October 8 student protest at Abdou Moumouni University. Tchangari, who student leaders maintained had not encouraged them to demonstrate, was released the following day without charge.

On November 13, police in Zinder arrested Amadou Mamoudou, Harouna Mato, and Ismael Moutari of the independent ANFANI radio station for broadcasting "inaccurate, sensitive information" about a conflict between area residents that resulted in several deaths; all three journalists were released within 48 hours.

SONITEL, the state-owned telephone company that was privatized in 2001, was the country's only Internet service provider (ISP); and had a monopoly on Internet communication and international voice communication through the end of 2004. The Government did not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

The Government restricted academic freedom during the year. On October 8, students at Abdou Moumouni University barricaded main roads, set tires on fire, and damaged vehicles to protest scholarship arrears, poor housing conditions, the closure of the university food service, and the lack of a transportation services for students (see Section 2.b.).

In response to the demonstrations, the Ministry of Secondary and Higher Education closed the university on October 12 after agreeing to the students' demands on October 10. In the 2002-2003 academic year, as in the 2001-2002 year, students were unable to complete the academic year because of a late start and strikes by students and teachers. The University reopened on October 27.

b. Freedom of Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right. The Government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) was not provided. Political parties, including a coalition of opposition political parties, legally were permitted to hold demonstrations within a defined area. Unlike in the previous year, there were no reports that the Government delayed approving political party requests to demonstrate.

On October 8, police used tear gas to forcibly disperse students at Abdou Moumouni University who were demonstrating against scholarship arrears and education austerity measures; numerous students were injured (see Section 2.a.).

During the year, the two students arrested following a February 2001 demonstration were provisionally released (see Section 1.d.).

No action was taken against police who forcibly dispersed demonstrators in 2002.

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. Eight militant Islamic organizations banned by the Government remained banned (see Section 2.c.). Two representatives from one of the banned organizations were arrested in June 2002 and remained in detention at year's end. There were 35 political parties.

c. Freedom of Religion

The Constitution provides for "the right of the free development of each individual in their...spiritual, cultural, and religious dimensions," and the Government generally respected the freedom to practice religious beliefs, as long as persons respected public order, social peace, and national unity.

No religious group was subsidized; however, the Islamic Association, which acts as an official advisory committee on religious matters to the Government, had biweekly broadcasts on the government-controlled television station.

Religious organizations must register with the Interior Ministry. This registration was a formality, and there was no evidence that the Government has ever refused to register a religious organization.

The Government has banned eight Islamic organizations on the grounds that these organizations were responsible for "disturbing the peace." No mainstream Islamic organizations or human rights organizations have challenged the legality of the bans, which still were in effect at year's end.

There generally were amicable relations between the various religious communities; however, there have been previous instances when members of the majority religion (Islam) were not tolerant of the rights of members of minority religions to practice their faith. The cities of Say, Kiota, Agadez, and Madarounfa are considered holy by the local Islamic communities; unlike in previous years, there were no reports of conflict between Muslims and Christians in those areas.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement and restricts neither emigration nor repatriation, and the Government generally respected these rights in practice. Security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded payments or bribes; however, there were fewer reports of such actions than in previous years. There were occasional reports of banditry, sometimes violent, during the year.

The law does not provide for granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, although the country is a signatory to the Convention. In practice, the Government provides protection against refoulement, but does not routinely grant refugee or asylum status. The UNHCR's regional office in Benin was responsible for refugee assistance and protection in the country; the Government's interministerial National Refugee Eligibility Committee performed refugee prescreening duties. The Government offers temporary protection and has offered asylum to several thousand persons primarily from Mali and Chad. A few Chadian refugee families remained in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. A coup in 1999 led to the installation of a military-led government, which instituted a 9-month transition to democracy. A 1999 referendum approved a new Constitution that provided for a power-sharing presidential system and granted amnesty to perpetrators of coups in 1996 and 1999. In late 1999, the first round of presidential elections, a presidential runoff, and legislative elections were held. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair; and the National Movement for the Development of Society and the MNSD/CDS coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. Five of the country's 35 political parties were represented in the National Assembly. Municipal elections are scheduled for May 2004; presidential and legislative elections are scheduled for late 2004.

The country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In 2000, Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

Unlike in the previous year, there were no attempted army mutinies.

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchised many women. This practice was used widely in the 1999 presidential and National Assembly elections. There was 1 woman in the 83-seat National Assembly; there were 4 female ministers in the Cabinet. The appointed mayors of Niamey, Tillaberi, and Agadez were women. The law mandates that women receive 25 percent of government positions; however, by year's end, women still did not fill that percentage of government positions.

All major ethnic groups are represented at all levels of government. The Government supported greater minority representation in the National Assembly through its continued support for "special constituencies." There were eight seats at the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. President Tandja, who reportedly is half Peul and half Kanouri, is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the country's population (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent human rights groups and associations generally operated without government restriction, investigating and publishing their findings and conclusions that often were highly critical of the Government. Government officials often were unresponsive to their views and denied allegations of human rights abuses. The ICRC was active in the country.

The mandate of the Commission on Human Rights and Fundamental Liberties, which the Government created and funds, includes communication, advocacy, and investigation of human rights abuses. The Commission was restructured in 2002, and the Government added additional personnel; this restructuring appeared to limit the Commission's independence. During the year, the Commission provided human rights training to the military and hosted a human rights summit.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion; however, in practice, there were instances of societal discrimination against women, children, ethnic minorities, and persons with disabilities, including limited economic and political opportunities. Despite strong government efforts to discourage discrimination against persons with HIV/AIDS, societal discrimination against such persons occurred.

Women

Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common. Families often intervened to prevent the worst abuses, and women may (and did) divorce because of physical abuse. While women have the right to seek redress for violence in the customary or modern courts, few did so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations reported that prostitution often was the only economic alternative for a woman who wanted to leave her husband.

Rape is a crime punishable by 10 to 30 years' imprisonment depending upon the circumstance and age of the victim. Reliable statistics were not available.

FGM was practiced by certain ethnic groups; approximately 20 percent of women in the country had undergone FGM, according to a 1999 World Health Organization global study. Clitoridectomy was the most common form of FGM. In May, as part of the reform to the Penal Code, the National Assembly passed previously rescinded legislation to criminalize FGM. Under the new law, those convicted of practicing FGM and their accomplices face prison sentences from 6 months to 3 years; if the victim of FGM dies, the practitioner can be sentenced from 10 to 20 years' imprisonment. The Government also took an active role in combating FGM and worked closely with a local NGO, UNICEF, and other donors to develop and distribute educational materials at government clinics and maternal health centers and participated in information seminars and publicity.

Prostitution, which is illegal and hidden, was more prevalent near major mining and military sites.

In May, as part of the reform to the Penal Code, sexual harassment was criminalized. Violators now face prison sentences from 3 to 6 months and fines from \$16.66 to \$166 (10,000 to 100,000 CFA francs). If the violator is in a position of authority, the prison sentence is from 3 months to 1 year and the fine is increased to from \$33.32 to

\$332 (20,000 to 200,000 CFA francs).

Despite the Constitution's provisions for women's rights, deep-seated traditional and religious beliefs resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women did much of the subsistence farming as well as childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women remained underrepresented in civil service and professional employment.

Legal rights as heads of household applied only to men; divorced or widowed women, even with children, were not considered to be heads of households. Among the Hausa and Peul ethnic groups in the east, some women were cloistered and could leave their homes only if escorted by a male and usually only after dark.

National service, which lasted from 18 months to 2 years, was mandatory for all young men and women who completed university studies or professional training. Men were allowed to serve in the military as part of their national service obligation; however, even though women were allowed to serve in the military, they could meet their national service obligation only by serving as teachers, health service workers, or technical specialists.

The Ministry of Social Development has an office to promote and protect women's rights. The Government continued to work toward the passage of the Family Law, which addresses many fundamental rights of women.

Children

Although the Constitution provides that the Government should promote children's welfare, financial resources for this purpose were extremely limited. The minimum period of compulsory education was 6 years; however, only approximately 32 percent of children of primary school age attended school, and approximately 60 percent of those who finished primary schools were boys. The majority of young girls were kept at home to work and were married at a young age, rarely attending school for more than a few years. This resulted in a female literacy rate of 7 percent compared with 21 percent for males. Literacy rates, particularly for girls, were even lower in rural areas.

Some ethnic groups allowed families to enter into marriage agreements under which young girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law.

FGM was performed on young girls in many parts of the country by certain ethnic groups (see Section 5, Women).

The trafficking of children, including for prostitution, was a problem (see Section 6.f.).

Child labor was a problem (see Section 6.d.)

Infanticide occurred, and 80 percent of the female prison population were charged with the crime. According to the Ministry of Justice, infanticide resulted from severe economic conditions.

In October, the National Assembly ratified two Optional Protocols concerning the Convention on the Rights of the Child: The Optional Protocol on the involvement of children in armed conflict, and the Optional Protocol on the sale of children, child prostitution, and child pornography.

Persons with Disabilities

The Constitution mandates that the State provide for persons with disabilities; however, the Government had not implemented regulations to mandate accessibility to buildings, transportation, and education for those with special needs. Societal discrimination against persons with disabilities existed. Observers reported that many persons with mental disabilities were rejected by their families due to the stigma surrounding mental illness in the country.

National/Racial/Ethnic Minorities

The Hausa and Djerma ethnic groups made up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business. Tandja Mamadou was the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris had few representatives in the Government, and many of these ethnic groups asserted that the Hausa and Djerma

groups discriminated against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. The Government was unable to accommodate the unique needs of nomadic persons, such as Tuaregs and many Peul, who continued to have less access to government services. During the annual Cure Salee festival of desert nomads, the Government provided medical and legal services; however, some nomads continued to be dissatisfied with government efforts to meet their needs.

In October, in the eastern region of Zinder, a group of Toubou killed six and injured three Tuaregs in apparent retaliation for a Tuareg attack the previous year that resulted in the deaths of two Toubou. Conflict between the two groups, who were nomadic herders, resulted from disputes over grazing areas and water points.

During the year, there were reports of continued banditry in the north that may have involved former Tuareg rebels (see Section 1.f.).

Limited security issues existed in the south as a result of continued conflict over land use between farming and herding groups.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of the work force was employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represented the majority of salary earners; most were government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerien Teachers (SNEN) professed political autonomy, but they had informal ties to political parties. There were several breakaway union confederations and independent teachers' and magistrates' unions, including the Nigerien Labor Confederation (CNT), the Nigerien General Workers Union (UGTN), and the Democratic Confederation of Niger's Workers (CDTN). The police union remained suspended.

The Labor code prohibited antiunion discrimination by employers, and labor unions reported no such discrimination.

The USTN was a member of the Organization of African Trade Union Unity and was affiliated with the International Confederation of Free Trade Unions; it received assistance from some international unions. Individual unions such as the teachers union were affiliated with international trade union secretariats.

b. The Right to Organize and Bargain Collectively

In addition to the Constitution and the Labor Code, there is a basic framework agreement between unions, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. The Labor Code is based on International Labor Organization (ILO) principles, and it protects the right to organize. In private and state-owned enterprises, unions used their right to bargain collectively without government interference for wages above minimum and for more favorable work conditions. Collective bargaining also existed in the public sector. The USTN and CDTN represented civil servants in bargaining with the Government. Agreements between labor and management applied uniformly to all employees.

The Constitution provides for the right to strike, except for security forces and police, and workers exercised this right. The law specifies that labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The latter condition already prevailed in the private sector.

During the year, there were several strikes by education, health care, and customs workers, generally relating to fringe benefits and lack of good working conditions.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Labor Code prohibits forced or bonded labor, except by legally convicted prisoners; however, a traditional form of slavery or servitude still was practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions and along the border with Nigeria. In May, the National Assembly criminalized slavery.

Persons were born into a traditionally subordinate caste and were expected to work without pay for those above them in the traditional social structure. According to Timidria, a local human rights NGO that actively worked against the practice, 7 percent of the population worked under such conditions. None of these individuals appeared to have been forced into slavery or servitude. Individuals could legally change their situations; however, most did not and accepted their circumstances. During the year, Timidria conducted a survey of 11,000 persons born into servitude; 80 percent indicated that the persons for whom they worked determined who they married and whether their children attended school.

On December 19, the ILO and a local NGO held a workshop on forced labor practices for traditional chiefs in Tahoua. The workshop was to include a symbolic ceremony in which nine members of a subordinate caste were to receive certificates of freedom. The workshop was allowed to continue; however, security forces interrupted the ceremony and temporarily seized equipment from journalists in attendance. Observers charged that the Government, which denies that slavery exists in the country, regarded the ceremony as a ploy for NGOs to gain notoriety and donations.

In 2002, a Tuareg man from Tanout claimed he was threatened with castration for planning a revolt against the person for whom he worked. After escaping and being forcibly returned to work by his community, he contacted a local NGO and was placed under government protection. The case was in the courts at year's end.

The Labor Code does not prohibit specifically forced and bonded labor by children, and there were credible reports of underage girls being drawn into prostitution and of underage boys working as laborers in mines, slaughterhouses, and rice fields (see Sections 6.d. and 6.f.).

Status of Child Labor Practices and Minimum Age for Employment

The law permits child labor in nonindustrialized enterprises under certain conditions; however, law and practice prohibit child labor in industrial work.

Child labor practically was nonexistent in the formal (wage) sector, and there were no known instances of the use of child labor in factories; however, children worked in the unregulated agricultural, commercial, and artisan sectors, and some--including foreign--youths were hired in homes as general helpers and baby sitters for very low pay. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age were limited to a maximum of 4½ hours per day and certain types of employment so schooling may continue. The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors were responsible for enforcing child labor laws; however, resource constraints limited their ability to do so.

The majority of rural children regularly worked with their families from a very early age--helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children were kept out of school to guide a blind relative on begging rounds. Others sometimes were employed by Koranic teachers to beg in the streets (see Section 6.f.). During the year, 30 young boys were forced to work on a rice plantation for their Koranic teacher, according to a child rights group. Each boy earned \$1.66 a day (1,000 CFA francs), which was turned over to the teacher, who after several months purportedly left for Saudi Arabia with the money that the boys had earned. There was no official recognition of this labor.

Child labor also occurred in the largely unregulated gold mining sector and in slaughterhouses. The Ministry of Labor noted that children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, and insufficient lighting; they also were susceptible to alcohol and substance abuse. One local human rights group worked at a mine site to successfully eradicate the manual hauling of water by children to the mines and to build a school. In slaughterhouses, children were vulnerable to disease and accidents due to poor working conditions.

During the year, the Ministry of Labor, which was responsible for implementing ILO Convention 182 on the Worst Forms of Child Labor, worked with UNICEF and the International Program on the Elimination of Child Labor to complete the first phase of a program to determine the extent of the problem. The program addressed four areas: Improving conditions in underground gold mines around Komabongu; increasing awareness about child labor at the national slaughterhouse in Niamey; teaching marketable skills to street children in Birni N'konni; and reducing

labor hours and teaching marketable skills to children who worked in agriculture on islands in the Niger River around Tillaberi.

Forced and bonded labor by children occurred (see Section 6.f.).

e. Acceptable Conditions of Work

The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector; however, minimum wages were not sufficient to provide a decent standard of living for workers and their families. The lowest minimum wage was \$33.33 (20,000 CFA francs) per month. Additional salary was granted at \$1.66 (1,000 CFA francs) per month per child. Government salaries have been largely paid on time, and past arrears have been paid down. Most households had multiple earners (largely in informal commerce) and relied on the extended family for support.

The legal workweek was 40 hours with a minimum of one 24-hour rest period; however, for certain occupations, the Ministry of Labor authorized longer workweeks of up to 72 hours. There were no reports of violations during the year.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focused on safety violations only in the most dangerous industries: Mining, building, and manufacturing. The gold mining industry was largely unregulated. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases were not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs; however, in most cases this did not occur in practice.

The Labor Code protects both legal and illegal foreign workers and entitles them to remuneration from the employer even in the case of a labor dispute in the informal sector; however, claims by illegal workers were rare.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there were reports of trafficking. There also was evidence that the country is a transit point and destination for a small number of trafficked persons. Internal trafficking occurred, and there was anecdotal evidence that clandestine networks victimized young girls who worked as household helpers.

During the year, the Government apprehended two groups who were trafficking boys and girls from Nigeria to Mali, although it was believed that their intended final destination was in north Africa or Europe. One of the groups was based in the country, but had connections to Sokoto and Kano in northern Nigeria, according to the Government. In August, the Nigerian traffickers were returned to Nigeria to face charges; the child victims also were repatriated to Nigeria.

Internal trafficking of young boys for labor and young girls for prostitution from rural to urban areas occurred. There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. There were also reports that child prostitution was especially prevalent along the main East-West highway, particularly between the towns of Birni N'konni and Zinder. Child prostitution is not criminalized specifically, and there was no precise age of consent; however, the law prohibits "indecent" acts towards minors. It was left to a judge to determine what constituted an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by 3 to 5 years in prison.

There were also reports of internal trafficking that included the indenturing of boys to Koranic teachers. In response to economic hardship, some rural parents sent their sons to learn the Koran in the cities where, in return for their education, the boys supported their teachers by begging on the streets or doing manual labor (see Section 6.d.).

Trafficking in persons generally was conducted by small-time operators who promised well-paid employment in the country. Victims, primarily from neighboring countries, were escorted through the formalities of entering the country, where they found that their employment options were restricted to poorly paid domestic work or prostitution. Victims also must use a substantial portion of their income to reimburse the persons who brought them to the country for the cost of the trip. Compliance was enforced by "contracts," which were signed by illiterate victims before they departed their countries of origin; alternatively, the victim's travel document simply was seized. A local NGO also reported that some rural children were victims of domestic trafficking in which the victim (or his/her family) was promised a relatively decent job only to be placed in a home to work as a servant.